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Security Council

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Letter dated 14 January 2010 from the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1718 (2006) (see annex), which covers the Committee's activities during the period from 1 January to 31 December 2009. The report is submitted in accordance with the note by the President of the Council of 29 March 1995 (S/1995/234).

(*Signed*) Ertuğrul **Apakan**
Chairman
Security Council Committee established
pursuant to resolution 1718 (2006)

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Annex

Annual report of the Security Council Committee established pursuant to resolution 1718 (2006)

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1718 (2006) covers the period from 1 January to 31 December 2009.

2. During the reporting period, the Bureau consisted of Baki İlkin (Turkey), as Chairman, and, subsequently, Fazıl Çorman (Turkey), as Acting Chairman, until 4 September 2009, when Ertuğrul Apakan (Turkey) assumed his duties as the new Chairman, with the delegations of Costa Rica and the Libyan Arab Jamahiriya providing the Vice-Chairmen during the reporting period. In 2009, the Committee held three formal meetings and 21 sessions of informal consultations. The web page of the Committee is available at http://www.un.org/sc/committees/1718.

II. Background and activities of the Committee

A. Background

3. The Committee established pursuant to resolution 1718 (2006) was mandated to oversee the implementation of the measures imposed by that resolution with respect to the Democratic People's Republic of Korea.

4. During the period under review, on 13 April 2009, the President of the Security Council read out a statement (S/PRST/2009/7) indicating that the Council agreed to adjust the measures imposed by paragraph 8 of resolution 1718 (2006) through the designation of entities and goods, and directed the Committee to undertake its tasks to this effect and to report to the Council by 24 April 2009.

5. On 12 June 2009, the Security Council unanimously adopted resolution 1874 (2009), which condemned in the strongest terms the nuclear test conducted by the Democratic People's Republic of Korea on 25 May 2009 and demanded that the Democratic People's Republic of Korea not conduct any further nuclear test or any launch using ballistic missile technology. The resolution imposed additional measures, including an expansion of the embargo on arms and related materiel and technology, as well as financial measures to include a ban on financial transactions, technical training, advice, services or assistance related to such arms and materiel. Furthermore, resolution 1874 (2009) called for the inspection of cargo to and from the Democratic People's Republic of Korea under the conditions and circumstances specified in the resolution. It also included a provision authorizing, under the conditions and circumstances specified in the resolution, the seizure and disposal of items identified during inspection, the supply, sale, transfer or export of which is prohibited by relevant resolutions, as well as a ban on the provision of bunkering services and other servicing to Democratic People's Republic of Korea vessels. Resolution 1874 (2009) directed the Committee to adjust the measures imposed by paragraph 8 of resolution 1718 (2006) and by resolution 1874 (2009), including through the designation of entities, goods and individuals, and to intensify its efforts to promote the full implementation of these resolutions, as well as the statement of the Security Council President of 13 April 2009 (S/PRST/2009/7), through a work

programme covering compliance, investigations, outreach, dialogue, assistance and cooperation, to be submitted to the Council by 15 July 2009. Finally, resolution 1874 (2009) requested the Secretary-General to create for an initial period of one year a group of up to seven experts ("Panel of Experts") to assist the Committee in carrying out its tasks. The Panel of Experts was to provide an interim report on its work no later than 10 September 2009, and a final report no later than 30 days prior to the termination of its mandate with its findings and recommendations.

B. Identification of items and designation of entities subject to measures imposed in resolutions 1718 (2006) and 1874 (2009)

6. Pursuant to paragraph 8 of resolution 1718 (2006) and the statement of the President of the Security Council of 13 April 2009 (S/PRST/2009/7), the Committee identified at a meeting held on 24 April 2009 additional items (as listed in document S/2009/205) as subject to the measures imposed in paragraphs 8 (a), (b) and (c) of resolution 1718 (2006), and designated three entities as subject to the provisions of and the measures imposed in paragraph 8 (d) of the same resolution. At the same meeting, the Committee approved the report on its decision, which was issued as a document of the Security Council (S/2009/222). On 12 May 2009, the Committee approved a note verbale to the Member States informing them of its decision.

7. After the adoption of resolution 1874 (2009), on 16 July 2009 the Committee adopted a decision in accordance with paragraph 24 of that resolution, by which it determined two additional items subject to the provisions set out in paragraph 8 (a) (ii) of resolution 1718 (2006); it also designated five additional entities subject to the measures of paragraph 8 (d) and five individuals subject to the measures imposed in paragraphs 8 (d) and 8 (e) of resolution 1718 (2006). The Committee's decision was conveyed to the President of the Security Council on the same date and was issued as a document of the Council (S/2009/364). Also on the same date, the Committee approved a note verbale to the Member States informing them of that decision.

C. Programme of work

8. In accordance with paragraph 25 of resolution 1874 (2009), on 15 July 2009 the Committee adopted a programme of work for the period 15 July 2009 through 30 July 2010. The programme of work covers topics such as compliance, investigations, outreach, dialogue, assistance and cooperation.

D. Reports from Member States on the implementation of resolutions 1718 (2006) and 1874 (2009)

9. During the reporting period, 47 Member States reported to the Committee, pursuant to paragraph 22 of resolution 1874 (2009), on the steps they had taken to implement effectively the provisions of paragraph 8 of resolution 1718 (2006), as well as paragraphs 9 and 10 of resolution 1874 (2009), and on the financial measures set out in paragraphs 18, 19 and 20 of resolution 1874 (2009) (see enclosure). Three Member States addressed to the Committee communications related to the Committee's note verbale dated 12 May 2009 (see para. 6 above).

10. In accordance with paragraph 27 of resolution 1874 (2009) and paragraph 1 (a) of the Committee's programme of work, the Committee undertook to conduct and complete, no later than 1 October (and quarterly thereafter), with the assistance of the Panel of Experts, as appropriate, a comprehensive review of the reports received

from Member States pursuant to paragraph 11 of resolution 1718 (2006) and paragraph 22 of resolution 1874 (2009). In the light of the delay in the establishment of the Panel of Experts, the Committee decided, on 10 November 2009, through a silence procedure, to defer the deadline for the quarterly review of Member States' reports until 30 November 2009. After receiving, on 30 November 2009, a report of the Panel of Experts on this matter (see para. 14 below), the Committee took up the issue in informal consultations held on 9 December 2009, and agreed to continue to work on the comprehensive review on the basis of the Panel's report.

E. Panel of Experts

11. In accordance with paragraph 26 of resolution 1874 (2009), the Security Council requested the Secretary-General, in consultation with the Committee, to appoint a Panel of up to seven experts for an initial period of one year. Consequently, in a letter dated 12 August 2009, the Secretary-General informed the Security Council of the appointment of seven experts (S/2009/416). After one of the experts appointed by the Secretary-General informed the Secretariat that she could not assume her functions owing to personal reasons, the Secretary-General, in consultation with the Committee, appointed another expert in her stead and informed the Council accordingly in a letter dated 27 October 2009 (S/2009/555).

12. According to article 26 (d) of resolution 1874 (2009), the Panel of Experts was requested to "provide an interim report on its work to the Council no later than 90 days after adoption of this resolution". However, owing to delays in the arrival of the experts and the assumption of their duties, members of the Security Council agreed, in informal consultations held on 14 September 2009, to postpone the deadline for the submission of the interim report by 60 days.

13. The Panel of Experts submitted the interim report to the Security Council on 11 November 2009. The interim report provided information on the work of the Panel in assisting the Committee in the implementation of its mandate during the reporting period. It reviewed measures implemented by Member States to prevent, inhibit and deter the Democratic People's Republic of Korea from acquiring and further developing nuclear weapons, all other weapons of mass destruction and their means of delivery. It recommended a number of actions to be taken by the Panel to strengthen further implementation of the resolution. Before the submission of the interim report to the Council, the Committee had the opportunity to discuss it during informal consultations held on 11 November 2009.

14. As indicated in paragraph 10 above, the Panel of Experts, on 30 November 2009, submitted a report to assist the Committee in conducting a comprehensive review of the reports received from the Member States on concrete measures they had taken to implement effectively the relevant provisions of resolutions 1718 (2006) and 1874 (2009). The Committee took up the report during its informal consultation held on 9 December 2009 and is currently working, on that basis, on preparing the comprehensive review.

15. During the reporting period, the Panel of Experts conducted visits to Washington, D.C., United States of America (19 and 20 November 2009), Seoul, Republic of Korea (9 and 10 December 2009), and Tokyo, Japan (14 and 15 December 2009), at the invitation of the countries concerned, to discuss the measures taken by these countries to implement resolutions 1718 (2006) and 1874 (2009).

F. Communications from and to Member States related to alleged violations of the measures imposed in resolutions 1718 (2006) and 1874 (2009)

16. During the reporting period, the Committee received four separate reports of alleged violations of resolutions 1718 (2006) and 1874 (2009). All four reports included a request from the respective reporting States to treat the relevant information included therein as confidential. All four reported cases are currently being examined by the Committee and will continue to be investigated, as appropriate, with the support and technical expertise of the Panel of Experts.

17. The first case was reported to the Committee by a Member State in a letter dated 14 August 2009. Following consultations among the Committee members, letters were sent to eight States concerned, including the reporting State, requesting additional information. In reply to these communications, the Committee received a letter dated 6 October 2009 from the reporting State, two letters from another State concerned dated 17 September 2009 and 9 October 2009, respectively, one letter each from three other States concerned dated 30 October 2009, 2 November 2009 and 13 November 2009, respectively, as well as a note verbale from a sixth State concerned dated 10 November 2009. On 5 November 2009, the Committee addressed a further letter to the reporting State in response to its letter of 6 October 2009. Furthermore, on 3 September 2009, the Permanent Representative to the United Nations of another State concerned sent a letter to the President of the Security Council in reaction to the relevant letter sent by the Committee to that State. This communication was referred by the President of the Security Council for the month of September to the Committee for its review and appropriate action.

18. The second case was reported to the Committee by a Member State in a letter dated 12 October 2009. After the report was circulated to the Committee members, comments were received from one Committee member in a letter dated 16 October 2009. Subsequently, additional information was received from the reporting State in a letter dated 29 October 2009.

19. The third case was reported to the Committee by a Member State in a letter dated 23 December 2009, while the fourth case was reported to the Committee by a Member State in a letter dated 28 December 2009.

G. Other communications from and to Member States

20. During the reporting period, the Committee received two communications from two Member States, dated 9 September 2009 and 9 October 2009, respectively, requesting additional information, such as personal identifiers, in reference to individuals designated by the Committee as subject to the measures imposed in paragraphs 8 (d) and 8 (e) of resolution 1718 (2006). The Committee also received a letter dated 9 December 2009 in which a Member State submitted information related to an individual designated as subject to the measures imposed in paragraphs 8 (d) and 8 (e) of resolution 1718 (2006).

21. On a separate issue, the Committee received from a Member State a note verbale dated 4 December 2009 requesting an exemption from the measures imposed in paragraph 8 (a) (iii) of resolution 1718 (2006).

Enclosure

Reports received pursuant to paragraph 11 of Security Council resolution 1718 (2006)

Member State or organization	*Document symbol*	*Date of communication*
Australia	S/AC.49/2006/1	10 November 2006
Canada	S/AC.49/2006/2	13 November 2006
United Kingdom of Great Britain and Northern Ireland	S/AC.49/2006/3	13 November 2006
Denmark	S/AC.49/2006/4	30 November 2006
Liechtenstein	S/AC.49/2006/5	13 November 2006
Czech Republic	S/AC.49/2006/6	13 November 2006
Finland (on behalf of the European Union)	S/AC.49/2006/7	13 November 2006
Republic of Korea	S/AC.49/2006/8 S/AC.49/2006/8/Add.1	13 November 2006 15 January 2007
Singapore	S/AC.49/2006/9	13 November 2006
Japan	S/AC.49/2006/10	13 November 2006
United States of America	S/AC.49/2006/11	13 November 2006
France	S/AC.49/2006/12	13 November 2006
Russian Federation	S/AC.49/2006/13 S/AC.49/2006/13/Add.1	13 November 2006 1 June 2007
Slovakia	S/AC.49/2006/14	14 November 2006
Hungary	S/AC.49/2006/15	14 November 2006
New Zealand	S/AC.49/2006/16	15 November 2006
Finland	S/AC.49/2006/17	13 November 2006
Slovenia	S/AC.49/2006/18	14 November 2006
Marshall Islands	S/AC.49/2006/19	16 November 2006
Belarus	S/AC.49/2006/20	16 November 2006
China	S/AC.49/2006/21	15 November 2006
Sweden	S/AC.49/2006/22	16 November 2006
Cuba	S/AC.49/2006/23	13 November 2006
Romania	S/AC.49/2006/24	14 November 2006

Member State or organization	*Document symbol*	*Date of communication*
Cyprus	S/AC.49/2006/25	16 November 2006
Poland	S/AC.49/2006/26	16 November 2006
Belgium	S/AC.49/2006/27	17 November 2006
Sri Lanka	S/AC.49/2006/28	20 November 2006
Thailand	S/AC.49/2006/29	20 November 2006
Argentina	S/AC.49/2006/30 S/AC.49/2006/30/Add.1	22 November 2006 5 February 2007
Bulgaria	S/AC.49/2006/31 S/AC.49/2006/31/Add.1	28 November 2006 7 February 2007
Italy	S/AC.49/2006/32	28 November 2006
Germany	S/AC.49/2006/33	30 November 2006
Switzerland	S/AC.49/2006/34	30 November 2006
Brazil	S/AC.49/2006/35	10 November 2006
Spain	S/AC.49/2006/36	29 November 2006
Portugal	S/AC.49/2006/37	30 November 2006
Albania	S/AC.49/2006/38	1 December 2006
The former Yugoslav Republic of Macedonia	S/AC.49/2006/39	6 December 2006
South Africa	S/AC.49/2006/40	7 December 2006
Panama	S/AC.49/2006/41	14 December 2006
Malta	S/AC.49/2006/42	12 December 2006
Latvia	S/AC.49/2006/43	19 December 2006
Peru	S/AC.49/2006/44	21 December 2006
Mexico	S/AC.49/2006/45	22 December 2006
Estonia	S/AC.49/2006/46	22 December 2006
Austria	S/AC.49/2007/1	28 December 2006
Serbia	S/AC.49/2007/2	9 January 2007
Indonesia	S/AC.49/2007/3	10 January 2007
Qatar	S/AC.49/2007/4 S/AC.49/2007/4/Add.1	10 January 2007 14 May 2007

Member State or organization	*Document symbol*	*Date of communication*
Lithuania	S/AC.49/2007/5	15 January 2007
Greece	S/AC.49/2007/6	11 December 2006
Netherlands	S/AC.49/2007/7	14 December 2006
Philippines	S/AC.49/2007/8 S/AC.49/2007/8/Add.1	22 January 2007 14 February 2007
Viet Nam	S/AC.49/2007/9	19 January 2007
Kyrgyzstan	S/AC.49/2007/10	19 January 2007
United Arab Emirates	S/AC.49/2007/11	23 January 2007
Ukraine	S/AC.49/2007/12 S/AC.49/2007/12/Add.1	19 January 2007 23 May 2007
Guatemala	S/AC.49/2007/13	6 February 2007
Turkey	S/AC.49/2007/14	9 February 2007
Pakistan	S/AC.49/2007/15	11 January 2007
Kuwait	S/AC.49/2007/16	17 January 2007
Croatia	S/AC.49/2007/17	20 February 2007
Jordan	S/AC.49/2007/18	20 February 2007
Bahrain	S/AC.49/2007/19	28 February 2007
Kazakhstan	S/AC.49/2007/20	26 February 2007
Mongolia	S/AC.49/2007/21	5 March 2007
Maldives	S/AC.49/2007/22	8 March 2007
India	S/AC.49/2007/23	20 February 2007
Israel	S/AC.49/2007/24	19 April 2007
Algeria	S/AC.49/2007/25	15 May 2007
Saudi Arabia	S/AC.49/2007/26	26 June 2007
Luxembourg	S/AC.49/2008/1	11 February 2008
Brunei Darussalam	S/AC.49/2008/2	26 March 2008
Germany	S/AC.49/2009/1	29 May 2009
Republic of Korea	S/AC.49/2009/2	9 June 2009
United Kingdom of Great Britain and Northern Ireland	S/AC.49/2009/3	17 June 2009

Reports received pursuant to paragraph 22 of Security Council resolution 1874 (2009)

Member State or organization	*Document symbol*	*Date of communication*
Switzerland	S/AC.49/2009/4	14 July 2009
Liechtenstein	S/AC.49/2009/5	24 July 2009
Russian Federation	S/AC.49/2009/6	24 July 2009
Japan	S/AC.49/2009/7	27 July 2009
Pakistan	S/AC.49/2009/8 S/AC.49/2009/8/Add.1 S/AC.49/2009/8/Add.2	27 July 2009 31 July 2009 5 August 2009
Estonia	S/AC.49/2009/9	27 July 2009
United Kingdom of Great Britain and Northern Ireland	S/AC.49/2009/10	27 July 2009
Italy	S/AC.49/2009/11	27 July 2009
New Zealand	S/AC.49/2009/12	24 July 2009
Republic of Korea	S/AC.49/2009/13 S/AC.49/2009/13/Add.1	27 July 2009 2 September 2009
Belgium	S/AC.49/2009/14	27 July 2009
France	S/AC.49/2009/15	27 July 2009
Austria	S/AC.49/2009/16	27 July 2009
Australia	S/AC.49/2009/17	28 July 2009
Lithuania	S/AC.49/2009/18	27 July 2009
Slovakia	S/AC.49/2009/19	27 July 2009
Finland	S/AC.49/2009/20	30 July 2009
United States of America	S/AC.49/2009/21	30 July 2009
Netherlands	S/AC.49/2009/22	29 July 2009
China	S/AC.49/2009/23	3 August 2009
Singapore	S/AC.49/2009/24	3 August 2009
Canada	S/AC.49/2009/25	31 July 2009
Andorra	S/AC.49/2009/26	6 August 2009
Turkey	S/AC.49/2009/27	7 August 2009
Poland	S/AC.49/2009/28	11 August 2009

Member State or organization	*Document symbol*	*Date of communication*
Mexico	S/AC.49/2009/29	11 August 2009
Sweden	S/AC.49/2009/30	12 August 2009
Viet Nam	S/AC.49/2009/31	9 August 2009
Monaco	S/AC.49/2009/32	17 August 2009
Cuba	S/AC.49/2009/33	10 August 2009
Hungary	S/AC.49/2009/34	19 August 2009
Romania	S/AC.49/2009/35	24 August 2009
Denmark	S/AC.49/2009/36	26 August 2009
Germany	S/AC.49/2009/37	31 July 2009
Philippines	S/AC.49/2009/38 S/AC.49/2009/38/Add.1	25 August 2009 28 August 2009
Thailand	S/AC.49/2009/39	27 August 2009
Brazil	S/AC.49/2009/40	29 August 2009
Dominican Republic	S/AC.49/2009/41	11 August 2009
Peru	S/AC.49/2009/42 S/AC.49/2009/42/Add.1	22 September 2009 10 November 2009
Portugal	S/AC.49/2009/43	5 October 2009
The former Yugoslav Republic of Macedonia	S/AC.49/2009/44	22 October 2009
Cyprus	S/AC.49/2009/45	22 October 2009
Ireland	S/AC.49/2009/46	13 November 2009
Serbia	S/AC.49/2009/47	16 November 2009
Lebanon	S/AC.49/2009/48	30 November 2009
Spain	S/AC.49/2009/49	3 December 2009
Lao People's Democratic Republic	S/AC.49/2009/50	25 November 2009